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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,815	06/08/2001	Eric Harold Henrikson	42430-10447	1190
47377	7590	03/11/2005	EXAMINER	
JENNER & BLOCK LLP ONE IBM PLAZA CHICAGO, IL 60611			DAO, MINH D	
ART UNIT	PAPER NUMBER	2682		

DATE MAILED: 03/11/2005

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/877,815

Filing Date: June 08, 2001

Appellant(s): HENRIKSON ET AL.

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Reginald J. Hill  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12/30/2004.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1-12 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

6,373,930                    MCCONNELL                    4-2002

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by McConnell et al. (US Patent 6,373,930). This rejection is set forth in a prior Office Action, mailed on 05/20/2004.

**(11) Response to Argument**

Regarding independent claims 1 and 8, Appellant argues that McConnell fails to disclose using an independent interactive session for replenishment of a prepaid account, while communications are maintained for a first communications sessions using the prepaid account. Examiner disagrees.

McConnell, (see col. 21, lines 29-41) by disclosing that it is possible that the Service Control Point (SCP) of figures 2 and 9 may determine that the account balance has dropped below a threshold level during the call, the SCP may then send a message to the Intelligent Peripheral (IP) instructing it to interject a message into the call or **to collect credit card payment for increase balance**; and in addition, Mc Connell, (see col. 21, lines 65-67 and col. 22, lines 1-6) by disclosing that the IP can send a message to the MSC directing the MSC to add the IP to the call **without disconnecting the called party**, the IP may then play an announcement to the subscriber and collect

additional prepayment and lastly the IP can direct the MSC to release the IP from the conference call **and allow the call to proceed**, has clearly read on the above limitations which Appellant relies on.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Minh Dao *mwm*  
Art Unit 2682  
March 3, 2005

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